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09/610,779	07/06/2000	Lauent Pouget	0615-102P	4878

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,779

Applicant(s)

POUGET ET AL

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on July 6, 1999. It is noted, however, that applicant has not filed a certified copy of the FR 9908690 application as required by 35 U.S.C. 119(b).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shielding skin being a separate member (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al. (US Patent 5,780,125).

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Regarding claim 13, Takeuchi et al. discloses a front structure for a motor vehicle, said structure being made integrally in one piece out of plastics material and comprising: at least one bumper cross member (Figure 3- upper member, above 8), a grille (8) and a third portion (Figure 3- lower member- below 8), said bumper cross member and said third portion projecting from the front of the vehicle and having front ends which are situated substantially in the same plane (Fig. 3).

5. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Macauley (US Design Patent D 152,010).

Regarding claim 11, Macauley discloses a front structure for a vehicle, comprising: at least one bumper cross member (lowest member in Fig. 1) having a top face (inherent); a plurality of reinforcing ribs (Fig. 1) on said top face extending parallel to the direction of compression in the event of a front impact; and a grill (top most member in Fig. 1). The limitation that the front structure is a one-piece structure made of plastic has been given little patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Macauley meets the limitations of the body of the claim.

Regarding claim 12, Macauley discloses a front structure for a vehicle, comprising: at least one bumper cross-member (bottom two members in Fig. 1) comprising shock absorbers (vertical member in Fig. 1) having egg-shaped bulges (top

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of vertical member), and a grille. The limitation egg-shaped bulges is interpreted as meaning bulges with an rounded shape. The limitation that the front structure is a one-piece structure made of plastic has been given little patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Macauley meets the limitations of the body of the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 1-4, 6, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al.

Regarding claim 1, Takeuchi et al. disclose a front structure for a motor vehicle, the structure comprising: at least one bumper cross member (Fig. 3-above or below the upper member 8), and a grille (8), wherein the structure is made integrally in one piece out of plastics material (Fig. 4), and wherein the structure is configured for receiving a shielding skin (the Examiner takes Official Notice that the white plastic material on new cars in new car lots would be considered a shielding skin), said shielding skin being made separately from said structure and covering the structure at least partially (the white plastic material on new cars could be placed on a portion of the bumper member). The motivation for using the white plastic material would have been to prevent the bumper from being scratched before the vehicle is purchased. Regarding claim 8, it would have been obvious to one of ordinary skill in the art to make the shield skin cover the structure in full and only perform an appearance function. The motivation would have been to protect the entire bumper structure from being scratched and to make it obvious that the shielding skin could be removed.

Regarding claim 2, Takeuchi et al. disclose a third portion (Fig. 3- below upper member 8 or below lower member 8) beneath the grille (8).

Regarding claim 3, the Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art to make the grill an anti-chipping grille. The motivation would have been to prevent debris from entering the air intake and going into the engine.

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Regarding claim 4, Takeuchi et al. disclose that the bumper cross-member (below the upper member 8) includes shock absorbers (lower member 8) integrated therein.

Regarding claim 6, Takeuchi et al. discloses that the third portion (below upper member 8) comprises a converging portion (Fig. 3) for guiding the flow of air passing beneath the vehicle.

Regarding claim 7, Takeuchi et al. disclose that the at least one bumper cross-member (above the upper member 8) and the third portion (below the upper member 8) project from the front of the vehicle (Fig. 3) and are substantially in the same plane (Fig. 3).

9. Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Macauley (US Design Patent D152,010) in view of Takeuchi et al.- giving the preamble equal patentable weight as the body.

Regarding claim 11, Macauley discloses a front structure for a vehicle, comprising: at least one bumper cross member (lowest member in Fig. 1) having a top face (inherent); a plurality of reinforcing ribs (Fig. 1) on said top face extending parallel to the direction of compression in the event of a front impact; and a grill (top most member in Fig. 1). Regarding claim 12, Macauley discloses a front structure for a vehicle, comprising: at least one bumper cross-member (bottom two members in Fig. 1) comprising shock absorbers (vertical member in Fig. 1) having egg-shaped bulges (top of vertical member), and a grille. The limitation egg-shaped bulges is interpreted as meaning bulges with an rounded shape.

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Macauley does not disclose that the front structure is one-piece that is made of plastic.

Takeuchi et al. discloses a front structure of a vehicle which is a one-piece structure made of plastic.

It would have been obvious to one of ordinary skill in the art at the time of the invention to make the front structure of Macauley a one-piece structure made of plastic.

The motivation would have been to make a rather complex structure in one mold to reduce the manufacturing steps as taught by Takeuchi et al.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. as applied to claims 1-4 above, and further in view of Tomeforde.

Takeuchi et al. discloses the front structure of claim 2.

Takeuchi et al. do not disclose that the third portion (below the lower member 8) is configured to form an under engine protection.

Tomeforde discloses a front structure which includes an under engine protection device (4).

At the time of the invention it would have been obvious to one of ordinary skill in the art to include an under engine protection device.

The motivation would have been to prevent road debris from damaging the engine.

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Allowable Subject Matter

11. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Patricia L Engle
Examiner
Art Unit 3612

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January 2, 2004

 1/4/04
D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600